



**U.S. SENATE COMMITTEE ON
COMMERCE, SCIENCE & TRANSPORTATION**
Senator Maria Cantwell, Chair

**U.S. Senator Maria Cantwell
U.S. Senate Committee on Commerce, Science, and Transportation
Nomination Hearing for Gigi B. Sohn to be a Commissioner of the Federal
Communications Commission**

February 14, 2023

Opening Statement

[VIDEO]

SENATOR CANTWELL: Today, the Commerce Committee is meeting to consider the nomination of Gigi Sohn to be a commissioner for the Federal Communications Commission.

This committee has already held two previous hearings about her nomination and so we know a lot about her background, her views, and important transparency issues and we thank her for being here again today.

If we want someone on the Federal Communications Commission who is truly committed to the job, then I believe Ms. Sohn fits that bill.

She has a very long history at being part of the process at the FCC and she is qualified. She will help deliver for the American people and she has a keen eye on something that all members of this committee care passionately about and that is affordable, accessible broadband. Thank you for your leadership and advocacy on that issue.

Although she has been before our committee, she has now been criticized for important policies like standing up for free speech. I want to thank you for your policy positions, knowing that some people like Justice Gorsuch or Rand Paul, or many others believe in the Fourth Amendment. Thank you for articulating those views as well.

These personal attacks are distractions from the fact that Ms. Sohn is immensely qualified for this position and a highly effective, would be, FCC commissioner.

She has more than 30 years of experience working on telecommunications policy, including as senior advisor to Chairman Wheeler at the FCC. She is a prominent voice in the telecommunications area, importantly, as I mentioned, on accessibility and affordability.

And if confirmed she would be the first openly gay commissioner of the FCC.

Ms. Sohn has a history of putting the public interest first, regardless of whether that means supporting policies endorsed by Republicans or Democrats. She is well-known for convening a broad range of stakeholders from both sides of the aisle on almost every part of the debate that we are looking at. Regulatory framework, broadband deployment, broadcasting, and mass media in the marketplace.

This is why her nomination is supported by such a diverse group of people.

Former Mississippi Representative Chip Pickering who has stated that Ms. Sohn will be great advocate and champion for the principles of competition and the First Amendment.

Preston Padden, Former President of ABC and Founding Executive Director of Fox Broadcast who has stated that he has worked with and against her for the last thirty years, and she is one of the most prepared and experienced nominees in the history of the FCC.

And Chris Ruddy, the CEO of Newsmax who has urged the confirmation of Miss Sohn's nomination and she is committed to promoting diversity, localism, and competition in the marketplace.

So, it is no surprise that Ms. Sohn's career history includes helping to ensure that all voices are heard. This is something this committee has to continue to work on and I welcome the opportunity to work with my colleague, the ranking member, on this important issue and I know he has many views on this as well.

But those many voices do include Fox Broadcasting, Newsmax, and OAN networks, some of the very same networks that our colleague wrote a letter about when they were de-platforming the large cable providers.

So Miss Sohn has been a consistent advocate for pro-consumer common sense policies such as lowering the cost of broadband and working towards universal connectivity. Given that there is a great deal of work that needs to be done on this issue at the FCC, it is time to have a full commission.

We know that just a sampling of the work includes the oversight of their mapping efforts, making sure that we put a stop to robocalls, caller ID spoofing, ensuring the United States adopts cutting edge forward looking spectrum policies, and many other issues.

I know she will be that voice and it is critical that we have one right now.

We know that she is capable of helping us implement what are the broadband deployments that we have just put a lot of resources against. But I would ask those who are trying to reposition Miss Sohn to think about who it is you're really advocating for.

The billions of dollars that people want to continue to have and invest in broadband, or the policies that will help us get true competition in the marketplace, and finally, deploy the types of broadband services that every American deserves.

I hope that our hearing will help bring these issues that haven't been brought to light further to light and that we have a healthy discussion, but we continue to respect the witness and her willingness to serve us at the FCC.

Sen. Cantwell Witness Q&A Round 1

[VIDEO]

CANTWELL: Thank you Ms. Sohn, and I'm going to try to go quickly because we have five minute rounds. And I'm going to try to stick to that with everybody and hopefully, the comity of this effort will get information out for people.

So, first of all, it is impressive that you have so many conservatives supporting your nomination. And I do think that speaks to your work for so many years in the field and your commitments to those issues of free speech.

One of the issues though, I kind of started thinking with all these attacks against you, I thought, well, this is a proxy fight for net neutrality. I think you and I have talked about that a little bit.

And while I think that the commission has every right to deal with net neutrality, I think me personally, I think the Congress is the best place to deal with that issue, ultimately, because I think whatever the FCC does ends up probably in a legal dispute.

But that aside, I started thinking, the vitriol all of these attacks made me think that no, it's even more than this. That somehow you are a smart, talented individual that's going to go there and fight for affordable broadband anywhere.

SOHN: Absolutely.

CANTWELL: And somehow if affordable broadband gets deployed anywhere, then somehow more affordable broadband might get deployed everywhere.

So I think there's probably billions of dollars at stake here and that is why the vitriol is coming at you.

Now, I hope that we can see through that today and really talk about the issues. I do want to talk about a couple of things though, that have been brought up by my colleagues. So I'll get back to the issue of affordable broadband.

So a lot of people have made things of tweets, these are retweets. Is that correct? Most of the things that people have talked about are retweets?

SOHN: Retweets and likes, yes.

CANTWELL: Okay. So I'm not saying that that, I mean- we all should be held accountable. But my guess is I don't know that any of these people up here could be probably on any job if we looked at all of their tweets and retweets and looked at what people said. So to me, that's not the issue.

Second, this letter from the Fraternal Order of Police, do you support Edward Snowden?

SOHN: No, I actually think Edward Snowden is a Russian asset. I do not support Edward Snowden and I think it's important to say that when somebody is on the board of an organization, it doesn't mean that they agree with every single thing they do.

I'm on the board of the Electronic Frontier Foundation. I'm a proud board member, but they are involved in about 50 different issues. And there are some things I care deeply about, and I

agree with. Some things I don't agree with at all, including their embrace of Edward Snowden, and some things frankly, are not in my wheelhouse.

CANTWELL: I agree with you. I think it gets complicated. I mean, Peter Thiel is given a ton of money to the EFF for awards for people that they think the EFF should be holding up. So listen, it goes a lot of different ways.

But on this issue of information for law enforcement, you believe in making sure that there that there are warrants and that people can get access to this information. Is that correct?

SOHN: Yes. If I'm confirmed, I will fully abide by CALEA, which the FCC does have a small role in. And yes, I do believe that law enforcement needs to abide by the First and Fourth Amendments. I don't think that's a radical position at all.

CANTWELL: But people get confused on end to end encryption and think that there's no data available there, and there is data. And once it's decrypted, they could also get access to that data. Is that not correct? And you support law enforcement getting access both to the initial information and the decrypted information? Is that correct?

SOHN: Yes.

CANTWELL: Okay, so I think there's a misalignment here about what your view is, at least from the perspective of that letter. And I hope that we can continue to have some information and correction on that.

And to this point of the settlement, again, another board that you were on, and another settlement which you didn't have anything to do with the details of the settlement.

And In consequence, you also when you were before this committee were prohibited in talking about the exact details. I think my colleague, Senator Wicker, tried to get you on this point. But you were prohibited by law from discussing that settlement amount as a board member. So I just want- if you could clarify this again, for the members quickly.

SOHN: Yes. I think there's a couple of things that need to be clarified.

First of all, I was bound by the settlement agreement. Okay? I was not a party to the litigation. So I never had any liability whatsoever.

So this notion that you know, I got some sort of sweetheart deal. There was never a sweetheart deal as to me. Frankly, there wasn't even a sweetheart deal as to Locast.

So there was a settlement decided on an October 12, that was two weeks before I was nominated and I did not know at the time that I was going to be nominated, that Locast would pay \$700,000 to the networks.

Then there was two weeks later okay, the document that I signed, talked about \$32 million. Now that was never- I'm sorry, Senator Cruz, you're wrong. The judge never said that there was a penalty of \$32 million and the judge never said that Locast had any liability whatsoever.

CANTWELL: We're going to get into this and my time has expired, but I just I want people to know you came to the second hearing after that decision so we could have the airings. I feel like you showed a great deal of transparency on this issue, and I appreciate it, and I'll have to get back to lowering the cost of broadband for the second round.

Sen. Cantwell Witness Q&A Round 2

[VIDEO]

CANTWELL: I'm going to take my time, if I could here, for my second round.

Just to clarify, you have a lot of conservative support and I know that News Corp and various people have been supporters of you. And, you know, it's kind of interesting listening to everything today, because I know these people know you in totality. Right?

And so it's interesting that now people are trying to capture a moment of a retweet or a statement when in reality, these very conservative organizations who have been active in this space, like News Corp, or the former Fox official, or others, because I'm assuming that they know your work and know your policy on important issues as it relates to competition.

Okay, we'll go back to my opening statement, which was literally about the number of endorsements that you've had from conservatives. So I wanted to go back to that because the issue is, what are these policies that you think are pro-competition issues that you think help keep the airspace?

I know this is going to shock Senator Cruz, but you know what, I would love to work with the two of you and come up with something on free speech, because it is being challenged right now.

And I don't think everybody is comfortable with a bunch of executives that say that they created an advisory committee, and can swing back and forth about what it is they do and don't do.

We had the Facebook whistleblower here. And basically, they had ignored pleas from my office, from my constituents to take down hate messages against the Rohingya and what was happening in Myanmar and Facebook refused to do it. And I don't mean like once I mean, like, with legal threats refused to do it.

So I don't think any of us want this world where we think a bunch of you know, execs are calling the shots on what we need for free speech. So I know you believe in free speech and I think that's why they're supporting you. If I'm reading the quotes correctly, they're saying, "These conservatives are supporting Gigi Sohn, because she believes in free speech."

But in addition, we've had a transformative landscape here as it relates to broadcasters, right? And I want many voices in broadcasting because I think if you have competition and broadcast information, I think you will get better information. True competition will get you more perfect information.

Then on this other issue, we're trying to push a lot of dollars at broadband but still not getting where we need to go. So what can you tell me that you would support in both of these areas that are competitive features that would help us.

I'm disturbed that our colleagues have spent so much time talking about your personal associations, because I think they know you're a pro-consumer person and so I'd like to debunk the anxiety here and just talk about what are those pro-consumer competitive ideas that you have.

SOHN: Well, for local broadcasting, I think we need to revisit the media ownership rules because they've led to enormous consolidation. And if we really care about local broadcasting and diversity in broadcasting, the last FCC basically, for all intents and purposes eliminated those rules and I think we need to go back and look at that and look at other ways that we might be able to promote local broadcasting, particularly ownership by minorities and women.

There's another issue that is right in the FCC is wheelhouse, which Senator Cruz you just put out a statement about a little while ago, and that's the de-platforming of Newsmax and OAN.

I don't know why DirecTV de-platformed them. I spilled blood trying to get them on platforms, the predecessor to OAN called Wealth TV, but also Newsmax. So I'm very troubled by that.

But I fear that there may be some competitive issues at play. I don't know the actual facts, but I think it's something the FCC should investigate.

You know, these guys are real independent programmers, right? They've got one channel or maybe they have two channels, and they often get knocked out out, off of platforms because somebody can bundle 15 channels, right, or, you know, or they have this what is called 'most favored nation' clauses.

So I think you know, the FCC has been so busy working on broadband, that sometimes these important media consolidation issues kind of get pushed by the wayside. So I think this is an opportunity, the de-platforming of Newsmax, to look at some of the practices around bundling and most favored nation clauses. [...]

Sen. Cantwell Closing

[VIDEO]

CANTWELL: I'm even willing to join that meeting, just as I've joined other Alaska infrastructure meetings.

SEN. SULLIVAN: I want to compliment the Chair on these kind of issues.

CANTWELL: No, it really is important. I mean, Alaska does have a very, very unique challenge and all the things that you think you're going to do for all the rest of the states is not going to work in Alaska, so it needs its own plan. So I appreciate that and I will happily attend that meeting.

So this is the close of our hearing. And before we close I'd like to confirm, Ms. Sohn, if you pledge to work collaboratively with the committee and provide thorough and timely responses to requests for information, that you put together important policy papers and appear before the committee when requested.

SOHN: Yes.

CANTWELL: Senators will have until the close of business Friday, February 17th, to submit questions for the record. Thank you all that concludes our hearing.